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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/990,096 12/12/97 PICHER-DEMPSEY

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EXAMINER

NGUYEN, H

ART UNIT

PAPER NUMBER

2662
DATE MAILED:

05/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/990,096

Applicant(s)

Dempsey

Examiner

Hanh Nguyen

Group Art Unit

2662



☐ Responsive to communication(s) filed on _____

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2662

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 USC 103(a) as being unpatentable over **Crawley et al.** (US Pat. No. 5,995,503) in view of **Nessett et al.** (US Pat. No. 5,968,176).

- Regarding claims 1, 6, 17- 20 and 24 **Crawley et al.** discloses, in Fig.1, a network configuration with multiple hosts and multiple routers connected as shown. Refer to Fig.8, host H1 (Fig.1) establishes a communication path by requesting a QoS for a data flow to host H4 (Fig.1) at step 170 (receiving a request for establishing a communication path). See col.7, lines 28-33. The request is routed through different routers before getting to the destination host at step 174. The destination host, after receiving the QoS requirement, sends a QoS request at step 175 to the original host to reserve the bandwidth for transmitting information (sending to original router a message which includes a request to reserve resources/bandwidth for transmitting information). See col.7, lines 32-44. The bandwidth reservation request is routed to original host via routers, and each of the routers determines at steps 178 and 184 whether the

Art Unit: 2662

resource/bandwidth is available for the QoS request. If the original router is determined by routing table 130 and data base 132 (Fig.2) that its resource/bandwidth is available, the original host reserves the request resources/bandwidth (monitoring the original router to determine whether sufficient resources/bandwidth exist to establish communication path). See col.7, lines 45-67 and col.4, lines 24-30. **Crawley et al.** does not disclose a server that having a location that is independent of the path. **Nessett et al.** discloses, in Fig.2, a WAN 100 that is connected between private networks LAN 101, LAN 102 and PSTN 105. An access server 121 of the LAN 101 connects between routers 107, 109 and routers 112 via PSTN 105. It is clearly that the access server 121 is located separated from each of the routers (a server that having a location that is independent of the path). See Fig.2 & col.10, lines 25-58. Therefore, it would have been obvious at the time the invention was made to use the access server 121 as disclosed by **Nessett et al.** into the QOS network as disclosed by **Crawley et al.** to authorize users accessing network.

- Regarding claim 11, this claim is substantially directed to the same subject matter in claim 1. In addition, **Crawley et al.** discloses, in Fig.1, that a router 100 is connected to a host H1 via an interface 120 (an originating router coupled to a host in a first LAN). See col.3, lines 60-67.

- Regarding claim 16, **Crawley et al.** does not disclose a database server for checking whether the set up request is authorized. **Nessett et al.** discloses, in Fig.2, nodes with security policy enforcement agents are coded by the horizontal bars. Thus, modem 110, routers 112, 107, 109, servers 115, 106, 104 all include agents for enforcing security policy (a database server for

Art Unit: 2662

checking whether the set up request is authorized). See col.11, lines 9-15. Therefore, it would have been obvious to one having ordinary skill in the art use the servers of **Nessett et al.** in the QOS network of **Crawley et al.** in order to protect the security of work stations from unauthorized users.

- Regarding claims 2, 7 and 12, the limitations of these claims are addressed in claim 1 above.

- Regarding claims 3, 8, 13 and 21, **Crawley et al.** discloses, in Fig.9, a flag (or a parameter) in the mechanism requesting the QoS routing for each router (parameters for transmitting information along the communication path in accordance with the QoS). See col.8, lines 52-56.

- Regarding claims 5, 10, 15 and 23, the limitation of these claims are addressed in claim 1 above.

- Regarding claims 4, 9, 14 and 22, **Crawley et al.** does not disclose message presented to the original router as a Telnet message. However, it is well known in the art that the Telnet is used as a protocol that enables an Internet user to log on and enter commands on a remote computer links to the Internet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Telnet protocol in **Crawley et al.** 's reference to send a message that includes a request for the original router to reserve resources/bandwidth necessary to transmit from the original host in accordance with the QoS request.

Art Unit: 2662

Response to Arguments

2. Applicant's arguments filed on 3/26/01 have been fully considered but they are not persuasive.

Applicant argues the server of Nessett et al. has a location that is not independent of the communication path. Examiner does not agree because the access server 106, in Fig.2, is a separate server and located off from terminal 113.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2662

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is (703) 306-5445. The examiner can normally be reached on Monday-Friday from 8:00AM to 5:00 PM.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to :

Commissioner of Patents and Trademarks

Washington D.C. 20231


or faxed to : (703) 308-6743 or (703) 305-3988

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Dr.

Arlington VA, Sixth floor (Receptionist)

Hanh Nguyen


April 26, 2001


Ajit Patel
Primary Examiner